

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

LUIS OLIVARES, Movant, vs. UNITED STATES OF AMERICA, Respondent.	5:18-CV-05012-JLV ORDER
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Movant Luis Olivares has filed various submissions with the court from which the court infers he desires to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. Based upon this inference, on February 1, 2018, the clerk of court sent Mr. Olivares the standard § 2255 form for him to complete and return. Mr. Olivares has not done so. Instead, Mr. Olivares has filed a flurry of motions asking for discovery, recusals, and other relief, but not otherwise shedding light on what, if any, his claims are in support of a modification, correction, or vacating of his underlying criminal conviction.

Mr. Olivares' filings thus far do not clearly delineate his claims nor do they set forth the legal and factual reasons as to why his sentence should be vacated, set aside or corrected. The court cannot proceed with Mr. Olivares' case in the absence of a clear statement of his claims. Therefore, Mr. Olivares ***must*** fully complete and return the standard § 2255 form taking care to

completely state his claims. Another standard § 2255 form is being sent to Mr. Olivares along with this order.

Accordingly, it is hereby

ORDERED that:

1. the clerk of court shall send Mr. Olivares the § 2255 form;
2. Mr. Olivares shall fully complete the § 2255 form and file it with the clerk no later than June 19, 2018.

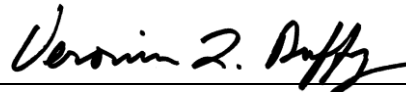
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MR. OLIVARES IS HEREBY NOTIFIED THAT FAILURE TO COMPLETE THE STANDARD § 2255 FORM AND RETURN IT TO THIS COURT BY JUNE 19, 2018, MAY RESULT IN DISMISSAL OF HIS CASE.

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DATED this 19th day of April, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Veronica L. Duffy", is written over a horizontal line.

VERONICA L. DUFFY
United States Magistrate Judge